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Los Angeles Region

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Gray Davis
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March 21, 2003

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COMMENTS ON CALLEGUAS CREEK WATERSHED TMDL WORK PLANS FOR SALTS, TOXICITY, METALS, HISTORIC PESTICIDES AND PCBS, AND BACTERIA.

Dear Mr. Hajas and Ms. Desai:

The Regional Board appreciates your submittal of the Calleguas Creek Watershed Salts TMDL Work Plan on January 15 and the Calleguas Creek Watershed Toxicity, Metals, Historic Pesticides & PCBs, and Bacteria TMDL Work Plans on January 24, 2003. These TMDL Work Plans present a proposed approach in which the Stakeholders take the lead role in development and implementation of TMDLs in the Calleguas Creek watershed. The Regional Board remains committed to working with Stakeholders to support a watershed approach to addressing TMDL development, and Regional Board staff were pleased to work with Stakeholders and your consultant to develop these Work Plans. Further, the Regional Board agrees upon the need to further consider water quality standards for chloride and approaches to chloride regulation in the Calleguas Creek watershed, in accordance with the Stipulation for Order Issuing Stay, with Conditions (SWRCB/OCC File A-1474) ("Stipulation").

Regional Board staff have reviewed the Work Plans. Our comments that follow focus primarily on the Salts Work Plan issues required by the Stipulation. We have also included comments on areas that relate to implementation of standards (as discussed in the Stipulation) and the other TMDLs, as we understand that the Watershed group is presenting this work in the context of a coordinated watershed approach.

Regional Board staff met with representatives of the Calleguas Dischargers on March 7, 2003 to share some of its concerns about the Work Plans and whether the Salt Work Plan is adequate for purposes of the Stipulation. Regional Board staff believe that if certain issues were addressed to the staff's satisfaction, then the Regional Board could determine that the Work Plan provides an adequate approach to determining appropriate water quality standards and

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implementation with respect to chloride in the Calleguas Creek watershed. Regional Board staff offered to extend the Stipulation by 60 days to work with the Discharger representatives to address these issues. However, the Discharger representatives did not agree that an extension of the Stipulation was appropriate. Therefore, for the reasons listed below, Regional Board staff believe that in its present form, the Salts Work Plan does not provide an adequate approach to determining appropriate water quality standards and implementation with respect to chloride in the Calleguas Creek watershed.

The comments below are categorized under the headings of Administrative Issues – Chloride; Standards Issues – Chloride; Implementation Issues – Chloride; Additional Comments – Salts and TMDL Work Plan Issues.

Administrative Issues - Chloride

The Salts TMDL Work Plan does not clearly identify the Stakeholders who are responsible for completion of the Salts TMDL Work Plan. The Administrative and Public Process Work Plan that was submitted with the TMDL Work Plans on January 24, 2003 indicates that the specific responsible parties for developing the TMDL Work Plans may vary from TMDL to TMDL. For the Salts TMDL, the Work Plan needs to identify which Stakeholders will be responsible for reviewing the chloride standards issues in order for the Regional Board to determine that the Salts Work Plan is adequate.

Further, the Salts Work Plan needs to clearly describe the relationship between the tasks related to examining the chloride standards and development of the TMDL. The Salts Work Plan needs to propose defined decision points at which time it will be determined that the salts and/or chloride TMDLs are not necessary. The Salts Work Plan also needs to identify the work products that will assist the Regional Board to determine that chloride or other salt standards require revision.

Standards Issues - Chloride

Regional Board staff find that the Salts Work Plan does not address chloride standards issues regarding the agricultural supply beneficial use for salt sensitive crops, such as those grown in the Calleguas Creek watershed. This issue is currently being addressed in the Santa Clara River watershed, and Stakeholders are finding that the review of crop sensitivity to chloride in irrigation water will require a substantial effort in time, resources and finances. In order for the Regional Board to find that the Salts Work Plan is adequate to address appropriate

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water quality standards, the Work Plan should address water quality requirements for salt sensitive crops.

Further, the Salts Work Plan does not appear to provide adequate resources or an approach to compare the costs of various remedies for removal of chloride. The Porter Cologne Water Quality Control Act requires that Basin Plan Amendments for programs to control agricultural operations address the cost of the program along with potential source of financing.

Implementation Issues - Chloride

Regional Board staff find the Salts TMDL Work Plan does not address issues regarding capacity limitations of the proposed Ocean Outfall. This issue is identified in the Draft Program Environmental Impact Report Environmental Assessment (DPEIR) of Calleguas Municipal Water District for the Salinity Management Project in the Calleguas Creek Watershed. Furthermore, the Work Plan does not provide an approach to evaluate the impacts of wastewater and/or brine disposal on the ocean and freshwater. Consequently, Regional Board staff find the Work Plan inadequate for implementation with respect to chloride in the Calleguas Creek watershed.

The Salts Work Plan does not address the monitoring requirements to demonstrate that the proposed implementation measures will remove the Salts and chloride impairments. The Salts Work Plan also does not provide a monitoring approach to demonstrate that the areas of ocean and inland discharges are not deleteriously affected.

Additional Comments – Salts

The Work Plan does not include an approach to quantify the chloride reduction that can be attained. Assuming that 20% of the TDS removal asserted in the plan is chloride, the plan describes the removal of 5,000 lbs/day while the EPA plan calls for removal of 10,500 lbs/day chloride from the watershed. Further, the Work Plan does not provide the method for estimating these load reductions.

Regional Board staff are concerned that the Salts Work Plan assumes higher rates of rainfall percolation and higher rates of groundwater pumping than are reasonable to implement the chloride reduction plan. The Work Plan should include a task and resources to ensure that the Implementation Plan proposed is adequate to address chloride issues.

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The Work Plan calls for an interim discharge of chloride brines below Potrero Road, without demonstrating that the discharged groundwater will meet other in-stream water quality requirements as necessary to acquire a NPDES permit. Further, if the ultimate discharge outfall to the ocean proves infeasible (due to presence of metals, PCBs and pesticides), evidence is needed to demonstrate that the discharger can obtain a NPDES permit.

Finally, the Work Plan should acknowledge that the Regional Board has received numerous public comments on Salts Issues in the Calleguas Creek Watershed. The Work Plan should provide a task to address these comments and review the previous work conducted by the Regional Board regarding chloride in light of the Implementation measures that will be deployed.

TMDL Work Plan Issues

About 60% of the funds of the TMDL Work Plans are allocated to assessing beneficial uses, examining the water quality objective and completing use attainability studies, with the remaining 40% of the funds allocated for completion of the TMDL. While re-examining the regulatory basis of the TMDL can result in a superior overall product, the number of staff hours allocated to completing the TMDL itself is inconsistent with successful TMDL efforts.

The TMDL Work Plan does not specifically address which models will be used for different purposes (near field mixing, far field transport, watershed stream system modeling, and allocation scenario modeling). The model used for the watershed stream system probably cannot be used for most of these purposes and certainly cannot be used in the areas of the watershed with tidal interactions. The proposed plan must be revised to provide much more technical information for modeling in order to ensure the success of evaluation of work plan implementation.

The TMDL Work Plans should provide greater focus on developing Quality Assurance Project Plans in advance that cover modeling and statistical analysis methods in addition to data collection.

EPA and Regional Board staff note that successful watershed based projects of this type usually include a more objective RFP process, in which the SWRCB and EPA are involved in contractor selection. The TMDL Work Plans should include a plan and schedule for developing RFPs and including the RWQCB and the EPA.

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In closing, we find that the TMDL Work Plans in general and the Salts TMDL Work Plan in specific provide a framework for addressing the water quality impairments and chloride issues (both standards and implementation) in the Calleguas Creek watershed. We hope Stakeholders recognize the importance of having a sound Work Plan that will provide a workable solution that both sides can support. The Regional Board wishes to continue the cooperative efforts initiated by the Stipulation and believe all parties would benefit from an opportunity to address the issues of concern amicably. In this respect, we continue to believe an extension of the Stipulation is the best course of action to resolve the TMDL Work Plan issues. In lieu of an extension of the Stipulation, this issue is set to be heard by the Regional Board at the April 3, 2003 Board Hearing.

Please call Mr. Sam Unger at (213) 576-6784 if you have further questions about the comments in this letter.

Sincerely,

Original Signed By

Dennis A. Dickerson
Executive Officer

cc: Michael Lauffer, Office of Chief Counsel, State Water Resources Control Board

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